IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2404 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAKSUD HUSSINBHAI CHAUHAN - Petitioner(s)
Versus
GENERAL MANAGER (PERSONNEL) & 1 - Respondent(s)

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Appearance :
MR JB Pardiwala for Petitioner(s) :
None for Respondent(s) : 1,
MR DARSHAN M PARIKH for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 23/11/2006

ORAL JUDGMENT

By way of the present Special Civil Application under Article 226 of the Constitution of India, the petitioner who was serving as Clerk with the respondent Bank, has prayed for an

appropriate writ, order or direction quashing and setting aside the action of the respondents, rather non-action on the part of the respondents in considering regularisation of the period of suspension of 4 years when the petitioner was under suspension.

2. Petitioner at the relevant time was serving as a Clerk and due to some criminal proceedings he was suspended. Thereafter, by order dated 27.11.1996 the order of suspension was revoked and the petitioner was reinstated and/or taken back on duty. However, while passing the said order, it was also observed that the decision as to how the period of suspension is to be treated shall be taken only after the case is concluded. It is the case on behalf of the petitioner that the petitioner came to be acquitted by competent Criminal Court by judgment and order dated 12.12.1996 and inspite of the fact that subsequently the petitioner had

represented to the Bank to consider his case for regularisation as observed in the order dated 27.11.1996 no order was passed to regularise the period of suspension, the petitioner has preferred the present Special Civil Application.

3. There are no justifiable reasons shown on the part of the respondents not to consider and/or pass appropriate order for regularising the period of suspension. In fact in the order dated 27.11.1996 itself it was so observed that the decision as to how the period of suspension is to be treated shall be taken only after his case is concluded and when the petitioner came to be acquitted on 16.12.1996. The respondent Bank was required to take appropriate decision regarding regularising the period of suspension. Under the circumstances, the respondent Bank is directed to take appropriate decision in accordance with law and on merits with regard to regularisation of the period of suspension as

early as possible and preferably within the period of 4 weeks from the date of receipt of this order. Rule is made absolute to the aforesaid extent with no order as to costs. Direct service is permitted.

[M.R. Shah, J.]

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